

CITY COUNCIL MINUTES
AUGUST 6, 2012
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)

A work session was held prior to the meeting. A demonstration from Public Works Maintenance on the new Street Sweeper was given. All Councilors and the Mayor were present; no action was taken and no decisions were made.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:00 PM.

II. ROLL CALL

Members Present:	Mayor Bob Andrews Stephen McKinney	Denise Bacon Wade Witherspoon	Ryan Howard
Members Absent:	Bart Rierson (excused)	Marc Shelton (excused)	
Staff Present:	Terrence Mahr, City Attorney Norma Alley, City Recorder	Barton Brierley, Planning and Building Director Jennifer Nelson, Deputy City Recorder	
Others Present:	Charles Colling		

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. SPECIAL PRESENTATIONS

1. Consider a motion approving a proclamation recognizing and supporting the Rotary Clubs in their efforts to register Newberg as a Rotary Peace Community.

MOTION: Bacon/Witherspoon approving a proclamation recognizing and supporting the Rotary Clubs in their efforts to register Newberg as a Rotary Peace Community. Motion carried (5 Yes/0 No/2 Absent [Rierson, Shelton]).

2. Consider a motion approving a proclamation declaring the week of August 12, 2012, as Newberg Firefighter Appreciation Week.

MOTION: Bacon/McKinney approving a proclamation declaring the week of August 12, 2012, as Newberg Firefighter Appreciation Week. Motion carried (5 Yes/0 No/2 Absent [Rierson, Shelton]).

V. CITY MANAGER'S REPORT

Mr. Terrence Mahr, City Attorney, reported on the new Animal Shelter event to take a peek at the new building and the upcoming Local Governments Dinner hosted by the City of Dundee on Thursday, August 16, 2012. He said the employee relations board received notification regarding a collective bargaining agreement certification and they can start the process soon with an executive session. He also mentioned the groundbreaking event for the Newberg-Dundee Bypass to be held on August 29, 2012.

VI. PUBLIC COMMENTS

Mr. Charles Colling said as a current landlord of properties in Newberg he is concerned over the utility billing practices of the City and would like to encourage they be reviewed to be more friendly to landlords. On August 1, 2012, he evicted a tenant who owed the City \$687.00 dollars for water and sewer services. He called the City to ask for reinstatement of the water to clean up the house and prepare for new tenants. He was told he would have to pay the balance in order for services to be turned back on. He questioned how someone can get a water bill that high when it is in the landlords name and commented only the City can shut the water off. He sent a letter to city officials stating he would not be responsible for the water and sewer bill, which had to be in his name only because the City would not allow it to be in the tenant's name; he was only willing to pay \$150.00 of the balance due. He met today with the city attorney who agreed to work with him to get the water turned on in an emergency manner to clean up the residence and re-rent it. However, there is still the problem of the outstanding water bill and the policies allowing this to happen should be changed.

Councilor Denise Bacon asked why the water bill was not put in the tenant's name because she rents homes and the bill is not in her name. Mr. Colling stated it is the policy of the utility billing department to deny service to residents with previous billing problems of nonpayment; the tenants were denied application when they came in to establish water in their name and they cannot get an application online. Councilor Bacon continued by asking if he is receiving the water bill. Mr. Colling replied it comes to his address and a complimentary copy also goes to the tenant. He is to collect the water payment with the rent, but the tenant refused to pay and the City did not turn it off because it was in his name.

Councilor Wade Witherspoon asked how he wished to see this policy change specifically. Mr. Colling said he would ask the Council, city manager, and city attorney to discuss the issues, how well to meet city ordinances and how well those ordinances are supported by current practice, then change what is needed in the operational process.

Mayor Andrews thanked Mr. Colling for his time and good conversation with the city attorney. He said he will contact the city manager to have a sit down for resolution to this problem and others similar to it.

Councilor Stephen McKinney asked the city attorney if there was a specific ordinance or policy for this practice. Mr. Mahr replied utility billing policies used to be reviewed by the finance committee; they passed the policy to have the water bill be in the landlord's name and the regular shut off routine is followed. There is no clear method in the Code. Since we no longer have this committee it can be delegated to the city manager or a policy can be adopted by Council. The finance director is reviewing the policies now, which has not been done in a while. Councilor McKinney was happy to revisit this and would also like to get the water bill paid.

VII. CONSENT CALENDAR

Consider a motion approving the June 18 and July 2, 2012, City Council meeting minutes.

<p>MOTION: Howard/Witherspoon approving the June 18 and July 2, 2012, City Council meeting minutes, as presented. Motion carried (5 Yes/0 No/2 Absent [Rierson, Shelton]).</p>

VIII. PUBLIC HEARINGS

Consider a motion adopting **Ordinance No. 2012-2751** adopting revised findings for the South Industrial Urban Growth Boundary (UGB) amendment and revisions to the Economic Opportunities Analysis (EOA).

TIME – 7:25 PM

Mayor Andrews introduced the legislative hearing in its sixth reading and reminded everyone the record was closed.

Mr. Barton Brierley, Planning and Building Director, presented the staff report and recommended adoption (see official meeting packet for full report).

Mayor Andrews closed the public hearing.

MOTION: **Bacon/Witherspoon** adopting **Ordinance No. 2012-2751** revised findings in support of the South Industrial Urban Growth Boundary Amendment, revisions to the Economic Opportunities Analysis, amendments to the Comprehensive Plan and Transportation System Plan, and repealing certain ordinances, read by title only.

Mayor Andrews said he has heard the pros and cons and will be voting yes.

Councilor Ryan Howard said they have tried to work out something appropriate for both the City and other interests but, despite efforts it has been difficult to continue. He is concerned with moving forward with anticipated litigation; he does not think there is an error in our process or those opposed because the law is still undefined. He believes pushing forward will cause them to be guinea pigs testing the waters and they could possibility proceed more smoothly if they took a phase approach and worked with the opponents. He plans on voting against this, not because he does not think the South Industrial Area is not the proper area for this, but because he thinks they can avoid some problems they will have in the future if they go about this differently.

Councilor Bacon struggled with this as well and she wished they could have come together with something; but, she was put into this position by the people and at this moment she works for the citizens of Newberg and this is the direction they want to go, so she will vote yes.

Councilor McKinney also struggles with this and believes if this proceeds how it is written there will be litigation. He appreciated the roundtable discussions and was concerned for the costs of going to court; he will not support this now as written.

VOTE: Adopting **Ordinance No. 2012-2751**. Motion failed (3 Yes/2 No/2 Absent [Rierson, Shelton]).

Mr. Mahr explained the motion failed because a majority vote of the entire membership of Council is required by Charter to pass the ordinance, which cannot be done with two absent members. According to the Council Rules & Guidelines, a member from the prevailing side can ask for a reconsideration to bring it back to the floor when all members are present.

IX. COUNCIL BUSINESS

TIME – 7:36 PM

Mr. Mahr discussed the deadline in September to file for Council positions in November and there being no candidates at this point. He spoke of previous attempts to solicit candidates by sending a first class mailing to registered voters in the district, which costs about \$1,000.00 per district according to the city recorder. Discussions followed about attempting to identify candidates within their own districts and approach people individually for interest as well as working with the Chamber of Commerce's legislative committee and the local newspaper. The due date for interest and signatures to be submitted is on August 20, 2012.

Mayor Andrews spoke about the upcoming audit; Newberg's 1st place winner being selected as the 2nd place winner at the Statewide conference; the appointment of Councilor Howard as the liaison for the water trail with the adoption of the MOU; and recognizing the two Newberg natives currently competing in the Olympics.

X. ADJOURNMENT

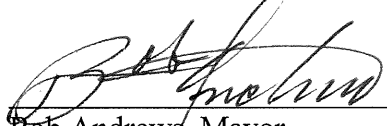
The meeting adjourned at 7:52 PM.

ADOPTED by the Newberg City Council this 4th day of September, 2012.



Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 7th day of September, 2012.



Bob Andrews, Mayor